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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/831,150

11/22/2002

Bernhard Rupp

R.36254

1030

2119

7590

09/03/2004

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EXAMINER

AGUIRRECHEA, JAYDI A

ART UNIT

PAPER NUMBER

2834

DATE MAILED: 09/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/831,150

Applicant(s)

RUPP ET AL.

Examiner

Jaydi A. Aguirrechea

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 17-26 and 28-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28-31 and 40 is/are allowed.
- 6) ☒ Claim(s) 17-26 and 32-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 17-26 and 32-39 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 2881995 to Neher (hereinafter Neher).

Neher discloses a decoupling device (Figures 1-6) for an electric motor (2), with a one-pad or multiple part decoupling housing (15, 16, 18, 20), which is connected to a housing (3) and at least partially encompasses the motor (2), and with decoupling elements (11, 12) comprised of an elastic material (Column 2, line 22), wherein each decoupling element rests against support shoulders (15, 16, 18, 20, 26), a securing element (6) disposed between one set of decoupling elements and another set of decoupling elements (Shown in figure 1), said electric motor (2) engaging said securing element (6).

With regards to claims 18 and 19, Neher discloses at least two support shoulders (9, 26, 16), this shoulders being part of the decoupling housing and securing element.

With regards to claim 20, the decoupling elements are disposed on pairs as shown in figures 3, 4 and 6.

With regards to claims 21, 23 and 34-36, the securing element 6 has a radial projection 9 shown in figure 4, a slot and a recess in the vicinity of the decoupling elements.

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With regards to claim 22, the decoupling elements are connected to each other by an intermediary piece 13, shown in figure 6.

With regards to claims 24-26 and 37-38, the recesses in arc-shaped forms are shown in figures 3 and 4.

With regards to claim 32, the decoupling elements are disposed above one another extending parallel to the longitudinal axis.

With regards to claim 33, the decoupling elements are disposed in pairs as shown in figure 4.

### ***Response to Arguments***

3. Applicant's arguments filed on July 9, 2004 have been fully considered but they are not persuasive.

4. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., separate groups of decoupling elements consisting of a plurality of elastic decoupling devices) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). It is the Examiner's position that decoupling elements (14, 15) in applicants' invention are equivalent to balls 12 in Neher's.

5. In response to applicant's argument that Neher does not disclose decoupling elements in pairs, the Examiner points out that figure 3 is showing two decoupling devices 11 and 12, disposed in pairs.

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6. In response to applicant's argument that Neher does not disclose separate decoupling elements, it is the Examiner's position that Neher does show in figure 3, two separate elements connected in pairs by an intermediary piece 13.

*Allowable Subject Matter*

7. Claims 28-31 and 40 are allowed.

8. The following is a statement of reasons for the indication of allowable subject matter:

The references of the Prior Art of Record fail to teach or suggest either alone or in obvious combination the limitations as set forth in claim 40, and specifically comprising the limitation of the rotational axis of the decoupling elements extends obliquely to the longitudinal axis of the decoupling elements. Claims 28-31 depends upon allowable subject matter of claim 40.

*Conclusion*

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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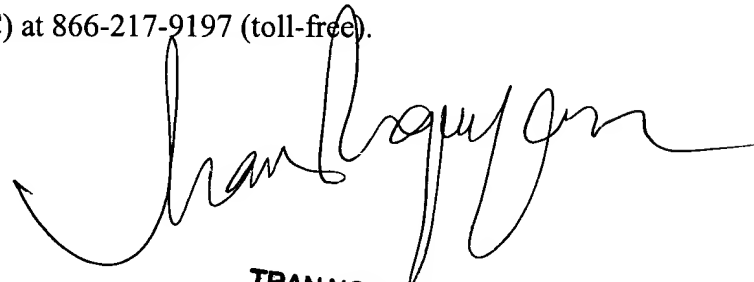
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaydi A. Aguirrechea whose telephone number is 571-272-2018.

The examiner can normally be reached on M-Th 9-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren E. Schuberg can be reached on 571-272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
JAA  
8/26/04

  
**TRAN NGUYEN**  
**PRIMARY EXAMINER**